IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 365 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE D.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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RAJENDRABHAI PARSHOTTAMBHAI PATEL

Versus

GENEAL MANAGER

Appearance:

1. Misc.Civil Application No. 365 of 2002

MR.HEMANG H PARIKH for Petitioner No. 1

MS ARCHANA U AMIN for Respondent No. 1

CORAM : MR.JUSTICE D.K.TRIVEDI

Date of decision: 18/04/2002

ORAL JUDGEMENT

Rule. Ms. Archana Amin, learned advocate waives service of Rule on behalf of Respondent Corporation. Rule is fixed forthwith. Heard Mr. Parikh, learned advocate for the petitioner. This application is filed by the applicant-original claimant who has filed M.A.C. Petition at Palanpur, District Banaskantha in respect of the injuries sustained by him on the route of Dhanera to Bavla near S.B. Purana Patia, Palanpur. The applicant

is resident of village Anara, Tal. Kapadvanj, District Kheda. It is the case of the applicant that though the M.A.C. Petition No. 585 of 1992 was filed at Palanpur, Banaskantha, the same is pending with no progress as no evidence is yet lead. The applicant has moved this application for transfer of MAC Petition from MAC Tribunal Palanpur, Banaskantha to MAC Tribunal Kheda, at Nadiad. It is unfortunate that MAC Petition of the year 1992 is yet not proceeded over. However, as brought to my notice that there is no progress in the MACP No. 585 of 1992 and even the respondent Corporation has no objection if the request made is granted by transfer of said MAC Petition to M.A.C.Tribunal at Kheda at Nadiad. Accordingly, in view of the stand taken by the respondent Corporation and the fact that there is no progress in the claim petition, which is pending since 1992, it will be in the fitness of thing to transfer MAC Petition No. 585/92 on the file of M.A.C.Tribunal Banaskantha to M.A.C.Tribunal Kheda at Nadiad. As the claim petition is of 1992, it is necessary for this court to direct the MAC Tribunal Kheda at Nadiad that on getting entire Records and proceedings from the court of M.A.C.Tribunal Palanpur Banaskantha, the MAC Tribunal Kheda, Nadiad take MAC Petition No.585/92 on hand and see that claim petition is disposed of as expeditiously as possible. Accordingly, this Misc. Civil Application is disposed of with no order as to costs. Rule is made absolute. Writ may be sent forthwith to MAC Tribunal Palanpur, Banaskantha and MAC Tribunal Kheda, Nadiad.

(D.K.Trivedi,J.)
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